

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**SHARON L. HELRIGGLE, et al.,**

**Plaintiffs,**

**-vs-**

**Case No. 3-:03-CV-336**

**GEORGE PETITT, et al.,**

**Judge Thomas M. Rose**

**Defendants.**

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**ENTRY AND ORDER GRANTING DEFENDANTS' JOINT MOTION TO  
ACCESS EVIDENCE IN THE CUSTODY OF THE MONTGOMERY  
COUNTY SHERIFF'S OFFICE (Doc. #119)**

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This matter came on to be heard this date upon Defendants' Joint Motion to Access Evidence filed in this action on or about November 14, 2005. Upon due consideration, the Court finds that all of the materials requested in said Motion are in the custody of the Montgomery County Sheriff's Office and that Plaintiffs as well as the Montgomery County Sheriff's Office have agreed to the release of the requested materials upon the terms proposed in the said Motion. Accordingly, the said Motion is found to be well-taken and same is granted.

**IT IS THEREFORE ORDERED AND ADJUDGED:**

1) That Defendants' counsel or their designee(s) be given custody of the following items or samples thereof to be returned to the Sheriff's Office on or before January 30, 2006:

<b>ITEM DESCRIPTION</b>	<b>Submission #</b>
Hand Swabs Pertaining to Victim Helriggle	1
.40 cal fired bullet	6a

.45 cal fired bullet	6b
.40 cal fired cartridge cases	7a
.40 cal fired cartridge cases	7b
.45 cal fired cartridge cases	7c
Small fragments	8a
Small fragments	8b
Moore-Exterior Clothing and Helmet	N/A
9mm Ruger Pistol (stairs)	5
8 blood swabs taken from Submission #5	5 derivative
Victim's (Helriggle) Shirt	36a
Victim's (Helriggle) Shorts	36b
Moore 12 ga Remington Model 870 Wingmaster Shotgun (S)(5)?097362V	10
Fired Shotgun Shell	9a
Pellet and wad	9b
18 pellets and wadding material from body of Helriggle	24
.45 cal fired cartridge case	27a
9mm cal fired cartridge case	27b
Fired bullet jacket	34
Blue cup found upside down on kitchen table	37
Swabbing from rim of Item #37	37 derivative

Blue cup found on kitchen table	31
Swabbing from rim of Item #31	31 derivative
Blue cup found on kitchen table	32
Swabbing from rim of Item #32	32 derivative
Left Sandal from Step (All sandals involved)	N/A
Known blood sample of Victim Helriggle	29
R. Sandal from Helriggle	35a
Known 12 ga. Federal #4 Buckshot Shotgun shells (same ammo used by Moore)	26
Examine shooting scene	N/A

2) All items of physical evidence set forth above will be returned unaltered in any way except as follows:

a.) 8 blood swabs taken from submission #5 5 derivative (sic).

Defendants are granted permission to consume for further testing a portion of these samples to be agreed upon with the present custodian and leaving with the present custodian sufficient portions of the samples to permit for documentation and/or further testing by the custodian or other interested persons.

b.) Moore 12 ga Remington Model 870  
Wingmaster Shotgun (S) (5) ?097362V 10

Defendants are granted permission to test-fire this item.

c.) Blue cup found upside down on kitchen table 37  
Blue cup found on kitchen table 31  
Blue cup found on kitchen table 32

Defendants are granted permission to examine these items for the presence of any biological materials and to obtain and test samples of same. Defendants further request permission to test these items for fingerprints and will leave in place any material used for that testing.

d.) Swabing (sic) from rim of item #37	37 derivative (sic)
Swabing (sic) from rim of item #31	31 derivative (sic)
Swabing (sic) from rim of item #32	32 derivative (sic)

Defendants are granted permission to consume a portion of these samples for further testing to be agreed upon with the present custodian and leaving with the present custodian sufficient portions of the samples to permit for documentation and/or further testing by the custodian or other interested persons.

e.) Known 12 ga. Federal #4 Buckshot shotgun 26  
shells (same ammo used by Moore)

Defendants are granted permission to test-fire up to the lesser of 10 of these rounds or that number of rounds which will leave sufficient samples to permit for documentation and/or further testing by the custodian or other interested persons as agreed upon with the custodian.

December 8, 2005

s/Thomas M. Rose

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JUDGE THOMAS ROSE

APPROVED:

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 6, 2005, a copy of the forgoing was filed electronically. Notice of this filing will be sent to all registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. Parties not on the electronic filing system will be sent a copy of the foregoing via regular U.S. mail. I further certify that copies of this Order have been served via email upon Victoria Watson, Esq., and Major Ed Copher.

s/James A. Climer

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Copies furnished to:

Counsel of Record